

**Notice of Allowability**

Application No.

10/622,715

Applicant(s)

KASAHARA, HIROSHI

Examiner

Michael C. Miggins

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/5/05.
2. ☒ The allowed claim(s) is/are 1-11 and 22-24.
3. ☒ The drawings filed on 21 July 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/744,438
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 02032005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

Michael C. Miggins  
Examiner  
Art Unit 1772  
*[Signature]*

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bruce Kramer on 2/1/05.

The application has been amended as follows:

#### **In the claims:**

In claim 1, line 1, after "barrier properties" and before "a (I)" the phrase ", characterized in having at least" the term - - comprising - - has been inserted in place thereof.

In claim 1, line 5, after "(b) being" and before "in an amount" the term "added" has been deleted and the term - - present - - has been inserted in place thereof.

In claim 1, lines 6-9, after "polyolefin (a);" the entire text has been deleted and the following has been inserted in place thereof - - wherein a surface of the (III) epoxy-group-containing resin composition layer is surface treated, wherein the surface of the (III) epoxy-group-containing resin composition layer has a degree of oxidation in the range of 0.05~100 and is disposed on a surface of the (II) gas barrier layer which does not contain an anchor coat agent. - -

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The following is an examiner's statement of reasons for allowance:

With regard to instant claim 1, the prior art does not teach or suggest applicant's recited laminate comprising a gas barrier layer and an (III) epoxy-group-containing resin composition layer, wherein a surface of the (III) epoxy-group-containing resin composition layer is surface treated and wherein the surface of the (III) epoxy-group-containing resin composition layer has a degree of oxidation in the range of 0.05~1.0 and is disposed on a surface of the gas (II) barrier layer which does not contain an anchor coat agent.

The closest prior art is Ikenoya et al. and Ito et al.. Ikenoya teaches a comprising a gas barrier layer and an (III) epoxy-group-containing resin composition layer. However, Ikenoya does not teach applicant's recited epoxy-group containing layer with the recited melt flow rate of 0.1~100 g/10 min and a molecular weight of 3000 or less and wherein the surface of the (III) epoxy-group-containing resin composition layer has a degree of oxidation in the range of 0.05~1.0 and is disposed on a surface of the gas (II) barrier layer which does not contain an anchor coat agent.

Ito teaches applicant's recited epoxy-group containing layer with the recited melt flow rate of 0.1~100 g/10 min and a molecular weight of 3000 or less; however, Ito teaches an anchor coat agent (page 3, lines 55-59). Furthermore, Ito does not teach wherein the surface of the (III) epoxy-group-containing resin composition layer has a degree of oxidation in the range of 0.05~1.0.

In addition, the Ikenoya citation discloses the innermost layer 14 made of non-olefin resins (column 4, lines 20 to 21). The Ito citation discloses the adhesive resin

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composition comprising (A) at least one component containing polyolefins and/or olefinic polymers and (B) epoxy compound. That is, the Ikenoya citation teaches away from or opposite to the invention disclosed in the Ito citation. Specifically, the Ikenoya citation discloses the layer 14 made of non-olefin resins, and the Ito citation discloses the resin composition comprising polyolefins and epoxy resins. A person skilled in the art would not have thought that the layer made of non-olefin resins, which is disclosed in Ikenoya, should be replaced with the adhesive resin composition comprising olefins, which is disclosed in the Ito citation and thus applicant's invention is unobvious over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

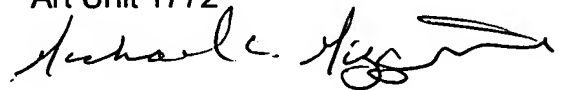
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is (571) 272-1494. The examiner can normally be reached on Monday-Friday; 1:30-10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pyon Harold can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael C. Miggins  
Examiner  
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A handwritten signature in black ink, appearing to read "Michael C. Miggins", with a stylized flourish at the end.

MCM  
February 1, 2005